IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12734 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HANSABEN W/O RAJUBHAI PRADIPBHAI HARKISHANDAS RANA

Versus

COMMISSIONER OF POLICE

Appearance:

MR NM KAPADIA for Petitioner

MR HH PATEL for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/02/2001

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The petitioner was detained as a bootlegger under the order of the Police Commissioner, Surat city dated 10-10-2000.

#. It is contended that the copies of vital and relevant documents have not been furnished to the petitioner despite of demand made thereof in the representation filed to the State Government. In paras 5 and 6 of the representation the petitioner averred:

> 5. Kindly supply the copies of the bail application preferred by my client and order passed at the time of filing chargesheet regarding CR No.227/99, 5250/99, 526/99, 69/99, 90/2000, 171/2000, 403/2000, 474/2000, 498/2000 and 450/2000. Kindly supply the xerox or carbon copy of the original panchnamas, FSL reports, Muddamal slips in respect of all the cases registered against my client.
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> 6. Kindly supply the copy of the statement of detenu dated 10-3-99 regarding CR No.227/99, statement of Hemant Ranchhod regarding CRNo.5250/00, statement of PC. Bhavrao Naran regarding CR No.526/99.

#. The same complaint is made by the petitioner in para 36 (B) of the special civil application, which reads as under:

> The petitioner submits that she through her advocate's letter dated 6-12-2000 addressed to the respondent No.2 demanded certain important particulars and documents including the exact location of the incidents stated by anonymous witnesses, legible copies of page Nos.21, 22, bail application and bail order and FSL report regarding registered cases, statement of Hemant Ranchhod regarding CR No.5250/99, statement of Bavrao Naran regarding CR No.526/99, statement of PSI V.D.Desai regarding CR No.498/2000, english translation of page No.29, material for the allegations made in para2 on page No.1 of the grounds of detention and other particulars stated in the letter of request. The said letter was personally submitted in the office of the respondent No.2 on 11-12-2000. However, those particulars are not supplied to her, which has affected her right to make effective representation.

#. Reply to the special civil application has not been filed by the respondents and as such these factual averments made by the petitioner stand uncontroverted and the same are to be taken to be correct. It is a case where the petitioner has not been supplied the copies of vital and relevant documents and she is denied of her valuable right of making effective representation as guaranteed to her under Article 22 (5) of the Constitution.

#. In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 10-10-2000 is quashed and set aside. The petitioner Smt. Hansaben W/o Rajubhai @ Pradipbhai Harkishandas Rana, the detenue, at present in Central Jail, Vadodara be set at liberty forthwith, if she is not required in any other case. Rule is made absolute. No order as to costs.

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zgs/-